

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SERGIO HERNANDEZ NAJERA, individually and
on behalf of others similarly situated,

Plaintiff,

-v-

LAKE AVE PIZZA LLC, doing business as
LAKE AVENUE PIZZA, and RAYMOND DELFINO,
individually,

Defendants.

CIVIL ACTION NO.: 21 Civ. 6753 (LGS) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

This matter having been referred to me to conduct an inquest and to report and recommend concerning Plaintiff's damages (see ECF No. 66), it is hereby **ORDERED** that:

1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than **Friday, October 28, 2022**. Plaintiff must support all factual assertions by affidavit and/or other evidentiary material. Plaintiff's requested attorneys' fees and costs must be recorded in the form below, adding fields as necessary, and supported by evidentiary material.
2. Defendants shall submit their response to Plaintiff's submissions, if any, no later than **Friday, November 11, 2022**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY APRIL 7, 2022, AND REQUEST AN IN-COURT HEARING, I

INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendants and file proof of service by no later than **Tuesday, October 4, 2022.**

Dated: New York, New York
September 30, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

<u>Requested Attorneys' Fees</u>			
Timekeeper	Requested Rate	Requested Hours	Requested Total
		TOTAL:	

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	